

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Telephone Interview**

The Applicants would like to thank Examiner Yanchuk and his supervisor for granting and conducting a telephone interview on April 25, 2011.

During the telephone interview various potential amendments were discussed for overcoming the Murashige reference. Specifically, during the interview the Examiner agreed that, if claim 1 were amended to clarify that the “lead” and an active material non-coated portion of a “current collector” comprised of the positive and negative terminals are sandwiched in the void of the member, then the Murashige reference would be overcome.

### **II. Amendments to the Claims**

In view of the above, independent claim 1 has been amended as discussed with the Examiner during the interview, so as to overcome the Murashige reference.

Dependent claims 3, 10 and 11 have been amended to remain consistent with amended independent claim 1.

Claim 7 has also been amended in order to overcome the 35 U.S.C. §112, second paragraph rejection discussed in detail below.

### **III. 35 U.S.C. § 112, Second Paragraph Rejection**

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph for reciting “constructed by a plurality of members.” Claim 7 has been slightly amended to clarify that the member is composed of a plurality of members. Support for this amendment can be found, at least, in paragraphs [0020], [0034] and [0040] of the publication of the present application.

The Applicants would like to emphasize that, since the specification clearly describes that the member is comprised of multiple members, claim 7 clearly recites subject matter described in the specification and as a result is not indefinite. Therefore, withdrawal of this rejection is respectfully requested.

### **IV. 35 U.S.C. § 102 Rejection**

Claims 1 and 3-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Murashige (U.S. 7,294,433). These rejections are believed clearly inapplicable to amended independent claim 1 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 is directed to a battery, wherein the positive electrode and the negative electrode of the power generating element form a current collector, wherein the current collector includes an active material coating portion and an active material non-coating portion, and wherein the member includes a void between the first side part and the second side part, such that the void of the member sandwiches the lead and the active material non-coated portion of the current collector extending beyond the active material coating portion of the current collector. As agreed upon during the above-mentioned telephone interview, Murashige fails to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 1.

Rather, as discussed during the interview, Murashige merely teaches the use of a positive terminal 7, a negative terminal 15, and outside terminals 10 and 11 (see Fig. 3), but fails to disclose or suggest that the void of the member sandwiches the lead and the active material non-coated portion of the current collector extending beyond the active material coating portion of the current collector, as recited in claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom are not anticipated by Murashige.

Furthermore, there is no disclosure or suggestion in Murashige or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Murashige to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 3-7, 10 and 11 that depend therefrom are clearly allowable over the prior art of record.

#### **V. 35 U.S.C. § 103(a) Rejection**

Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murashige (main reference) and Hagino (JP 2002-270546) (additional reference).

In view of the above, it is respectfully submitted that the additional reference does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the main reference. Therefore, no obvious combination of the additional reference with the main reference would result in, or otherwise render obvious, the invention recited independent claim 1 and claims 3-7, 10 and 11 that depend therefrom.

## VI. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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